

# SENATE BILL REPORT

## ESHB 1959

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As Reported by Senate Committee On:  
Government Operations & Elections, March 17, 2009

**Title:** An act relating to land use and transportation planning for marine container ports.

**Brief Description:** Concerning land use and transportation planning for marine container ports.

**Sponsors:** House Committee on Local Government & Housing (originally sponsored by Representatives Simpson, Rodne, Williams and Armstrong; by request of Governor Gregoire).

**Brief History:** Passed House: 3/06/09, 96-0.

**Committee Activity:** Government Operations & Elections: 3/17/09 [DP].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; McDermott, Pridemore and Swecker.

**Staff:** Sharon Swanson (786-7447)

**Background:** Port districts are authorized to acquire, build, maintain, operate, develop, and regulate the commercial transportation, transfer, storage, handling, and terminal facilities and industrial improvements within the district.

The Growth Management Act (GMA) is the comprehensive land use planning framework for county and city governments in Washington. Enacted in 1990, the GMA established numerous requirements for local governments obligated by mandate or choice to fully plan under the GMA and a reduced number of directives for all other counties and cities.

The Department of Community, Trade and Economic Development (CTED) provides technical and financial assistance to jurisdictions that must implement requirements of the GMA.

The GMA directs planning jurisdictions to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must address specified planning elements, each of which is a subset of

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a comprehensive plan. Comprehensive plans and development regulations are subject to continuing review and evaluation by the adopting county or city.

The Legislature has declared certain transportation facilities and services to be of statewide significance. Examples include:

- the interstate highway system;
- interregional state principal arterials, including ferry connections, that serve statewide travel;
- the freight railroad system; and
- marine port facilities and services that are related solely to marine activities affecting international and interstate trade.

In addition to other planning requirements for transportation facilities, the Department of Transportation, in consultation with local governments, must set level of service standards for state highways and state ferry routes of statewide significance.

**Summary of Bill:** The comprehensive plans of cities that have a marine container port with annual operating revenues in excess of \$60 million within their jurisdiction must include a container port element. CTED must provide matching grant funds to qualifying cities to support development of container port elements.

The comprehensive plans of cities that include all or part of a port district with annual operating revenues in excess of \$20 million may include a marine industrial port element. Prior to adopting a marine industrial port element, the commission of the applicable port district must adopt a resolution in support of the proposed element.

Container port elements and marine industrial elements (port elements) must be developed collaboratively between the city and the applicable port, and must establish policies and programs that:

- define and protect the core areas of port and port-related industrial uses within the city;
- provide reasonably efficient access to the core area through freight corridors within the city limits; and
- identify and resolve key land use conflicts along the edge of the core area, and minimize and mitigate, to the extent practicable, incompatible uses along the edge of the core area.

Port elements must also be:

- completed and approved by the city according to the recurring review and revision schedule of the GMA; and
- consistent with the economic development, transportation, and land use elements of the city's comprehensive plan, and consistent with the city's capital facilities plan.

In adopting port elements, cities and ports must ensure that there is consistency between the port elements and port requirements, pertaining to harbor and marginal land improvements, while retaining sufficient planning flexibility to secure emerging economic opportunities.

In developing port elements, a city may utilize one or more of several specified approaches, including:

- the creation of a port overlay district that protects container port uses;
- the use of buffers and transition zones between incompatible uses;
- the use of policies to encourage the retention of valuable warehouse and storage facilities; and
- the use of other approaches by agreement between the city and the port.

Any planned improvements identified in adopted port elements must be transmitted by the city to the Transportation Commission for inclusion in a specified statewide transportation plan.

The list of legislatively declared transportation facilities and services of statewide significance is expanded to include key freight transportation corridors that serve marine port facilities and services that are related solely to marine activities affecting international and interstate trade.

The act is null and void if not funded in the state budget.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill implements the recommendations of the Governor's Container Ports and Land Use Work Group and is the result of a cooperative effort that began 18 months ago. The cost for the planning is divided equally between the state, cities, and ports. This legislation is the result of a truly collaborative effort. The bill is a preventative measure so that Washington ports don't end up with the problems currently faced by ports in Los Angeles and Long Beach.

**Persons Testifying:** PRO: Eric Johnson, Washington Public Ports Association; Ashley Probart, Association of Washington Cities; Jill Satran, Governor's Office.